



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,557	02/27/2002	Steve Schnetzler	2207/14007	5880

23838 7590 11/16/2005

KENYON & KENYON
1500 K STREET NW
SUITE 700
WASHINGTON, DC 20005

EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,557

Applicant(s)

SCHNETZLER, STEVE

Examiner

Greg Bengzon

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. Claims 1-21 are pending.

Priority

The effective date of the claims described in this application is February 27, 2002.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (US Patent 6128279), hereinafter referred to as O'Neil, in view of Barrera et al. (US Patent 6748448), hereinafter referred to as Barrera .

O'Neil disclosed (re. Claim 1,8) a method of accessing data from a plurality of servers comprising: (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65) receiving a request for the data from a client computer; (Column 7 Lines 55-65) sending the request to a first server of the plurality of servers; receiving the data from the first server.(Column 8 Lines 1-35, Column 9 Lines 5-30)

However O'Neil did not disclose certain features of the invention, such as adding an identity of the first server to the data and forwarding the data to the client computer, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server.

Barrera disclosed a system and method of increasing performance by reducing latency the client experiences between sending a request to the server and receiving a response. Barrera disclosed of receiving a request for network content and modifying the URL, such that the URL request resource file physical I/O address is preferably embedded in the client computer browser page URL link, thereby establishing a correspondence between the browser page element and the resource file. (Barrera - Column 4 Lines 10-50, Column 8 Lines 50-65, Column 9 Lines 1-10) Barrera also disclosed of sending a host server name to a Domain Name System (DNS) server in order to look up the IP address of the indicated server. (Barrera - Column 3 Lines 35-45)

O'Neil and Barrera are analogous art because they present concepts and practices regarding improving the network system performance in the context of fulfilling content requests received from a client computer. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Barrera regarding modifying the URL and imbedding the physical device identification into the URL into the system of O'Neil. The said combination would enable the system

of O'Neil to 1) add an identity of the first server to the data and forward the data to the client computer, and 2) add the identity of the first server by revising the at least one URL to include a server identifier that corresponds to the first server. The suggested motivation for doing so would have been, as Barrera suggests (Column 4 Lines 1-5), to increase the performance of computer networks without requiring modifications of existing browser and enable by-passing some data storage access layers.

O'Neil disclosed (re. Claim 2,9) determining whether the request includes a server identifier. (Column 4 Lines 1-35)

O'Neil disclosed (re. Claim 3,10) wherein the request is a Uniform Resource Locator (URL). (Column 4 Lines 1-35)

O'Neil disclosed (re. Claim 4,11) wherein the data is a HyperText Markup Language (HTML) page. (Column 8 Lines 1-35)

O'Neil disclosed (re. Claim 5,12) wherein the HTML page comprises at least one Uniform Resource Locator (URL). (Column 8 Lines 1-35)

O'Neil disclosed (re. Claim 6,13) wherein the sending the request to the first server comprises a load balancing algorithm. (Column 3 Lines 55-65)

Art Unit: 2144

O'Neil disclosed (re. Claim 7,14) wherein the sending the request to the first server comprises sending the request to a server identified by the server identifier.

(Column 4 Lines 1-35)

Claims 15-21 are rejected on the same basis as Claims 1-7.

Response to Arguments

Applicant's arguments filed 09/27/2005 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [*in italics*]:

'...disclosure of a physical I/O address of a resource file does not disclose adding an identity of the first server to the data and forwarding the data to the client computer as specifically recited in the claims..... it is clear that the that the embedded physical I/O address of a resource file does not include an identity of a server responsible for forwarding the requested data to the client computer ...because Barrera does not require the use of servers at all in its retrieval process.'

The Examiner respectfully disagrees with the Applicant. A server is a device that responds to client requests by providing the data requested back to the client. The storage device controller described by Barrera responds to the client requests as a server. Furthermore, in Column 8 Lines 5-10 Barrera disclosed imbedding the IP address of the storage device controller in the URL request. Hence, the combination of

Art Unit: 2144

O'Neil and Barrera disclosed adding an identity of a server and forwarding the data to the client, as described in Claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6917972 Barrera Basko; Roman et al. - a user can request a particular resource (e.g., a web page or a file) that is available from a web server by specifying a unique URI for that resource.

US 6578066 Barrera Logan; David B. et al. - balancing the loading amongst distributed network servers by controlling the conversion of domain names to IP-addresses in domain name server equipment.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571)272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gcb



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER